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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,727	04/13/2000	Johan C. Talstra	PHN-17.410	7176

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PHILIP'S INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/30/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,727

Applicant(s)

TALSTRA ET AL.

Examiner

Vincent F. Boccio

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre Amendment A 4/13/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received;
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) #6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2615

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2615.

Claim Objections

1. Claim 5 is objected to because of the following informalities:

{A} Claim 5 recites "especially on a DVD", is not considered to be positively recited but, therefore is not considered to be limiting.

The examiner suggests either removal of "especially on a DVD", or to remove the wording, "especially", wherein the optical carrier is a DVD.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 2615

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Yagasaki et al. (US 5,991,499).

Regarding claims 1, 6-11 Yagasaki in Fig. 9 and the method associated with Figs. 14-15, for example discloses and meets the limitations associated with a method for copy protecting of information on an information carrying medium, associated with any of a reading device, application device, device for playback and recording comprising:

wherein the reading device (playback unit etc.) continuously reports back(Fig. 15, steps S56, S57, Yes to Fig. 14, perform again or continuously till step S57 is satisfied, thereafter "decided that the bit stream is a copy at step S58, therefore, continuously until the condition at step S57 is satisfied, col. 8, lines 30-44, "key data is inserted into an I frame which is the first frame in each GOP", therefore in each I frame of each GOP, two keys which get compared to determine is copying is allowed is provided into the I frames of the video) to the application device (unit for facilitating the comparison of two keys),

a characteristic (the keys) of the content of the information transmitted to the reading device to the application device (col. 8, lines 30-44, "key data is inserted into an I frame which is the first frame in each GOP", upon playback the key data is extracted reference Fig. 2, blocks 1 & 2, once extracted from the I frame for example, wherein upon the blocks being the same by a comparison step either from master comparison not equal copying is allowed, col. 12, lines 1-4, upon the key extraction wherein the comparison indicates the key is the same the recording apparatus is prevented from copying, col. 8, lines 8-29), wherein the copy coded blocks 1 and 2 meet the limitation of watermarks on the medium, being physically by being recorded by being a stamped disk (col. 11, lines 20-30), therefore the blocks or watermarks can be physical by being on a stamped disk, therefore physically recorded by stamping.

Regarding claims 2-4, Yagasaki meets the limitation of that summaries or even summaries of selected parts of the transmitted and of the received information are used as characteristics, met by extracting the two keys and comparing the keys from an I frame for example, which are characteristic used to determine if copying is allowed, further the selection of parts of information to be summarized and compared is based on a secret between the reading and application device or the system having

Art Unit: 2615

a reproduction means and determining means wherein the secret is met by any one of the value K in memory 31, also wherein value K can be derived from a password (col. 8), and/or value B derived from a secret area of the bit stream, associated with the equation $X = B/K$, wherein values K and B act as a double key, which both can be derived, meeting the limitation of a secret.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over "name" et al. (US 0,000,000).

Regarding claim 5, Yagasaki discloses MPEG and GOPs, therefore in accord to the MPEG format, wherein the medium can be a disk type and mentions stamping col. 11, lines 20-30, wherein in view of being a stamped disk, meets the limitation of an optical disk.

Yagasaki fails to particularly disclose recording is sectors and wherein selection of sectors or memory locations

Art Unit: 2615

of information to be summarized is based on the value of a SCR base field of the sectors.

The examiner takes official notice that sectors on a disk/disc is a well known data structure, and the SCR or the system clock reference time code with respect to MPEG is well known wherein the SRC is used to select and synchronize an elementary stream or even streams, such as audio and video, therefore, is known to be used in selection and synchronization of streams with respect to the SCR itself, therefore it would have been obvious to one skilled in the art at the time of the invention to format in a data structure having multiple sectors and utilize the MPEG SCR to select and synchronize an elementary stream or streams of audio and video with respect to each other, therefore the selection of information or an elementary stream and to synchronize with respect to SCR is considered to be obvious if not met by Yagasaki, as being inherent it not obvious, although fails to disclose the data structure including sectors, being obvious and conventional data structure to record information, as is obvious and well known to those skilled in the art.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information


Art Unit: 2615

1. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent
1/24/04


VINCENT BOCCIO
PRIMARY EXAMINER